



Serial #:10/797,978  
Reference #: EX02-049C2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Hager et al  
Serial No.: 10/797,978  
Filed: 3/10/2004  
For: MULTI-WELL APPARATUS

Confirmation No: 5004  
Attorney Docket No: EX02-049C2

**PETITION TO REVIVE UNDER 37 CFR 1.137(b)**

Assistant Commissioner of Patents  
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Notice of Abandonment for the above-identified application, applicants hereby submit a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY.

This petition is accompanied by the following:

- 1) A copy of the Notice of Abandonment mailed 2/15/2005;
  - 2) A copy of the notice to file missing parts mailed 5/27/2004;
  - 3) The executed oath/declaration and assignment;
  - 4) The petition fee of \$1500.00 as set forth in 37 CFR 1.17(m);
  - 5) PTO form PTO/SB/64;
  - 6) Information Disclosure Statement.

Applicants hereby state that the entire delay in this case was unintentional.

The Commissioner is authorized to charge the petition fee of \$1500, the oath and declaration late submission fee of \$130.00, and any other fees required for consideration of this paper and any other papers filed herewith to deposit account number 50-1108.

Respectfully submitted,

Dated: April 26, 2005

Laleh Shayesteh Reg. No. 47,937  
**EXELIXIS, INC.**  
170 Harbor Way, P.O. Box 511  
South San Francisco, California 94083-0591  
Telephone: (650) 837-8223  
Facsimile: (650) 837-8234



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
EX02-049C2

First named inventor: Hager

Application No.: 10/797,978

Art Unit:

Filed: 3/10/2004

Examiner:

Title: MULTI-WELL APPARATUS

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

- Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- Other than small entity - fee \$1500.00 (37 CFR 1.17(m))

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of oath and declaration (identify type of reply):

- has been filed previously on \_\_\_\_\_.  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- has been paid previously on \_\_\_\_\_.  
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

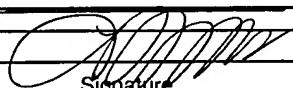
04/29/2005 WABDELR1 0000000083 501108 10797978  
01 FC:1453 1500.00 DA

## 3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_ for a small entity or \$\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



April 26, 2005

Signature

Laleh Shayesteh

Typed or printed name

Date

47,937

Registration Number, if applicable

Exelixis, Inc., 170 Harbor Way, P.O. Box 511,  
South San Francisco, California 94083-0511

650-837-8223

Telephone Number

Address

Address

Enclosures:  Fee Payment

- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
- Other : Petition statement, Oath and Declaration, Assignment, IDS, Return Receipt Postcard

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

April 26, 2005



Signature

Date

Laleh Shayesteh

Typed or printed name of person signing certificate



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/797,978	03/10/2004	Hager	EX02-049C2

CONFIRMATION NO. 5004  
ABANDONMENT/TERMINATION  
LETTER



\*OC00000015189006\*

23500  
PATENT DEPT  
EXELIXIS, INC.  
170 HARBOR WAY  
P.O. BOX 511  
SOUTH SAN FRANCISCO, CA 94083-0511

Date Mailed: 02/15/2005

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/27/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be

FEB 23 2005

accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

---

*A copy of this notice **MUST** be returned with the reply.*

*en /nay*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY